

August 15, 2003

ELECTRONIC COMMENT FILING SYSTEM

Office of the Secretary
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Re: Comments to Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991 (Docket No. 02-278, FCC 03-153)

Dear Sir or Madam:

Thank you for the opportunity to submit these comments on behalf of the American Frozen Food Institute (AFFI). AFFI's more than 500 member companies are responsible for approximately 90 percent of the frozen food processed annually in the United States, valued at more than \$60 billion. AFFI members are located throughout the country and are engaged in the manufacture, processing, transportation, distribution, and sales of products nationally and internationally.

AFFI wishes to respond to the final rule for implementing the Telephone Consumer Protection Act (TCPA) of 1991. AFFI is concerned that this rule will hinder its ability to serve its members.

By becoming members, companies invest in AFFI and determine the services it provides. These services include periodic facsimile transmissions alerting members to information regarding issues of importance to their companies as well as public health, including matters associated with maintaining the safety of the food supply. Furthermore, AFFI works extensively with other trade associations at the behest of its members. The Commission's decision could impede AFFI's ability to carry out these important duties.

The removal of the "established business relationship" qualification from the fax regulations would force AFFI to obtain the written consent of its members and industry partners before transmitting any fax that could be interpreted as commercial in nature. This would create an onerous, time-consuming administrative burden that would detract from AFFI's mission of providing quality service to its members. The added paperwork could prove burdensome for members as well.

AFFI is concerned about the Federal Communications Commission's (the Commission) failure to define exactly the transmissions to be deemed commercial in nature, as well as whether written consent forms would expire with membership. This uncertainty makes it even more difficult for trade associations to serve their members.

Additionally, AFFI is concerned that this rule will impede its ability to recruit new members. Historically, AFFI experiences membership surges around events such as trade shows and issue briefings. AFFI periodically uses fax transmissions to invite both members and non-members to these events. By limiting AFFI's ability to communicate with non-members, the Commission is depriving AFFI of the opportunity to build its membership base. Also, non-members will be deprived of the opportunity to learn information that could be vital to their businesses.

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AFFI appreciates the Commission's attention to this matter and looks forward to working together to address these issues.

Sincerely,
Leslie G. Sarasin
President and Chief Executive Officer